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SENATE

REPORT
No. 98–6

THE ACQUISITION OF CERTAIN LANDS BY EXCHANGE FOR ADDITION TO ~~ENERGY~~ EFFIGY MOUNDS NATIONAL MONUMENT, IOWA

FEBRUARY 23, 1983.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 473]

The Committee on Energy and Natural Resources, to which was referred the bill S. 473 to authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

S. 473, as reported, authorizes the Secretary of the Interior to accept a parcel of land, comprising roughly 4 acres adjacent to the Effigy Mounds National Monument in return for the conveyance of some 3 acres of land inside the Monument. The exchange would be accomplished without monetary consideration, and the 4 acres acquired by the Secretary would become part of Effigy Mounds National Monument, subject to all laws and regulations applicable thereto.

BACKGROUND AND NEED

Effigy Mounds National Monument was established by Presidential Proclamation on October 25, 1949, to protect a series of unique, prehistoric Indian mounds, overlooking the Mississippi River in Northeastern Iowa. Within the Monument's 1,475 acres, are some 200 known mounds, 29 in the form of bear and bird effigies and the remainder conical or linear shaped. Among the most outstanding is the Great

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Bear Mound, which is 70 feet across the shoulders and forelegs, 137 feet long, and 3½ feet high.

There is no indication of any cultural or archaeological material on either parcel of land described in the bill. The exchange is proposed to regularize the boundary, simplify administration, and improve resource protection.

The 3-acre monument parcel proposed for deletion is isolated from the main body of the Park by County Road 561. Triangular in shape, the land rises steeply from the country road to a height of 90–100′ above the road bed. There is a level bench at the top which is accessible only from the Teaser property behind. Because of its inaccessibility, it is not regularly patrolled by the National Park Service. Maintaining fences, boundary markers and warning signs are considered by the National Park Service to be an operational liability because of the terrain.

The 4-acre parcel to be acquired was owned by James R. Teaser, the individual whose holdings also provide the sole route of access to the isolated monument land. The tract is similarly triangular in shape. The 4-acre parcel was purchased by Mr. James S. Kopecky from Mr. Teaser in 1983. Mr. Kopecky supports the exchange.

In the past, the Teaser Triangle has been used as an escape route and sanctuary by poachers and ginseng hunters raiding the Park, much to the frustration of Park personnel and State conservation officers. If the monument boundary were continuous along one side of the road, violators would be unable to screen their illegal activities in this "free area".

The land acquired by Mr. Kopecky would be used principally for grazing. The tract to be added to the Park, being small and cut-off from the Teaser Farm by the road, is not readily usable for grazing. The values of the two parcels are roughly equal: the Teaser tract being valued at $1,550; the Effigy Mounds tract at $1,600. These calculations were prepared in September, 1980, by the National Park Service.

LEGISLATIVE HISTORY

S. 473 was introduced on February 15, 1983. S. 473 is identical to S. 1661 as reported by the Committee and as passed the Senate in the 97th Congress. The Public Lands and Reserved Water Subcommittee received testimony on S. 1661 on July 27, 1982. The Administration supported the enactment of S. 1661 as reported. No hearings were held on S. 473 in the 98th Congress.

At a business session on February 23, 1983, the Committee on Energy and Natural Resources ordered S. 473 favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in an open business session on February 23, 1983, by a unanimous vote of a quorum present recommends the Senate pass S. 473 as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz*	
Mr. Johnston*	
Mr. Jackson	
Mr. Bumpers	
Mr. Ford	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas	
Mr. Bradley	

*Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the *Congressional Record* for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 473 as reported.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

S. 473, as reported, would authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 473.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report on S. 473 was requested by the Committee from the Department of the Interior. It was not received by the Committee at the time this report was filed. It is the intention of the Chairman to place the legislative report in Congressional Record when received for the information of the Senate.

The legislative report relating to S. 1661 as reported, an identical measure to S. 473, which passed the Senate in the 97th Congress is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 20, 1982.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for this Department's views on S. 1661, a bill "To authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes."

We strongly support the enactment of this bill.

Subsection (a) of S. 1661 authorizes the Secretary to accept a parcel of land, comprising roughly 4 acres adjacent to the monument and lying south and east of county road 561, in return for the conveyance of some three acres of monument land located north and west of the road. The exchange would be accomplished without monetary consideration, and the four acres acquired by the Secretary would become part of Effigy Mounds National Monument, subject to all applicable laws and regulations. Subsection (b) of the bill provides a legal description of the affected properties.

Effigy Mounds National Monument was established by Presidential Proclamation on October 25, 1949, to protect a series of unique prehistoric Indian mounds overlooking the Mississippi River in northeastern Iowa. Within the monument's 1,475 acres are some 200 known mounds, 29 in the form of bear and bird effigies, and the remainder conical or linear shaped. Among the most oustanding is the Great Bear Mound, which is 70 feet across the shoulders and forelegs, 137 feet long, and 3½ feet high.

We have no indication of any cultural or archaeological material on either parcel of land described in the bill. The exchange is proposed to regularize the boundary, simplify administration, and improve resource protection.

The 4-acre parcel to be acquired is owned by James R. Teaser, the individual whose holdings also provide the sole route of access to the isolated monument land. The tract is triangular in shape. It is easily observed from the road, and thus easier to patrol. Warning signs and boundary markers would be placed along the road making them easier to maintain and move visible.

The 3-acre monument parcel proposed for deletion is isolated from the main body of the park by county road 561. Also triangular in shape, the land rises steeply from the county road to a height of 90–100 feet above the road bed. There is a level bench at the top which is accessible only from the Teaser property behind. Because of its inaccessibility, it is not regularly patrolled. Maintaining fences, boundary markers and warning signs are considered an operational liability because of the terrain.

In the past, the Teaser triangle has been used as an escape route and sanctuary by poachers and ginseng hunters raiding the park, much to the frustration of park personnel and State conservation officers. If the

monument boundary were contiguous along one side of the road, violators would be unable to screen their illegal activities in this "free area."

Mr. Teaser is eager to complete the exchange. The land acquired by Mr. Teaser would be used principally for grazing. The tract to be added to the park, being small and cut off from the Teaser farm by the road, is not readily usable for grazing. The values of the two parcels are roughly equal. The Teaser tract is valued at $1,550 and the Effigy Mounds tract is valued at $1,600, based upon calculations prepared in September 1980.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD PAUL HODEL,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law would be made by the bill, S. 473, as reported.

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